IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1554 OF 2006

Raj Mitra Mandal ..Petitioner

Vs.

The Senior Inspector of Police
& 2 Ors. ..Respondents

Mr.J.K.Jadhav i/b Gajendra Jadhav and Prem Sagar for the petitioner

Mrs.S.D.Shinde, A.P.P. for the state

CORAM : J.N.PATEL &
SMT.ROSHAN S.DALVI, JJ.

DATED : 7TH SEPTEMBER, 2006

P.C.:

1. Heard.

2. This petition can be disposed of at the stage of admission itself.

3. The petitioner has approached this court seeking direction to the respondents to allow the petitioner to conduct the activities of Raj Mitra Mandal at 2-B, Loft Raj Putana, 131-C, Dr.Annie Besant Road, Worli, Mumbai 400 018.

4. It is the case of the petitioner that the petitioner is a social organisation and registered under the Societies Registration Act, 1860 of which one Mohd.Salim Amin Sheikh is the Secretary. They collect Rs.100 as fees from the members who are permitted to entertain themselves in the premises like playing carom and rummy.

5. The grievance of the petitioner is that the respondents are not permitting them to run the social club on the ground that they do not have the licence.

6. The learned A.P.P. after seeking instruction informs us that the petitioner ought to have obtained a licence from the Police Department under the Bombay Police Act which also contemplates the licence for such club who are carrying on activities for entertainment and amusement of the members and it is for that purpose that the petitioner is not permitted to run the social club without proper licence.

7. Though there is no quarrel over the issue

that the petitioner can very well conduct such a social club, if it does not carry out any illegal activities prohibited by the law but then it requires licence. It is obligatory on the petitioner to apply to the competent authority and obtain necessary licence. The learned A.P.P. assures the court that if any application for licence is made to the competent authority, the competent authority would consider it within a period of 4 weeks and if the petitioner has an appropriate licence, there is no reason for the police to interfere in their activities unless it is found to be illegal and in that case police has every right to conduct raid on the premises and take action in accordance with law. With these observations and directions, petition stands disposed.

(SHRI J.N. PATEL, J)

(SMT.ROSHAN DALVI, J)